IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Transfer Petition No.19/2007

(Krishan Kumar Ameta Vs. Smt. Jyoti & Anr.)

Date of Order : 25th September , 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. V.K. Sharma for petitioner.

By the instant criminal transfer petition under Section 407 Cr.P.C., the petitioner seeks transfer of Criminal Case No.146/2007 pending before the learned Judicial Magistrate, Rawatbhatta, District Chittorgarh to any other competent court of Udaipur District.

I have heard learned counsel for the petitioner and perused the material available on record.

The petitioner seeks transfer of the case on the ground that by contesting and defending the case at Rawatbhatta, he and his family members would have to undergo economical and physical distress.

In my view, this is not a ground on which the case be transferred. More so, fact of the case is that respondent, who is wife of the petitioner was given beating and harassed by the petitioner and even the petitioner has not returned her 'Stridhan'. In such circumstances, asking a lady to go and contest the case instituted by her against her husband at the place of the petitioner-husband would amount to abuse of process of the Court. In this view of the matter, I do not find any merit in the petition.

The criminal transfer petition is, therefore, dismissed.

(H.R. PANWAR), J.

vij

S.B. Criminal Stay Petition No.927/2007
In
S.B. Criminal Transfer Petition No.19/2007

Date of Order : 25th September , 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. V.K. Sharma for petitioner.

The main petition itself has been dismissed, the stay application also stands dismissed.

(H.R. PANWAR), J.

vij